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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,678	06/16/2000	David L. Deitz	06005/36797	1079

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,678

Applicant(s)

DEITZ ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-29 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-29 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 19 and 30-31 have been previously cancelled.
2. Claim 1 has been amended.
3. Claims 1-18, 20-29 and 32 are pending.

### ***Response to Arguments***

4. Applicant's arguments filed 27 May 2005 have been fully considered but they are not persuasive.

5. Referring to the rejection of claim 1, the Applicant contends and argues that the prior art He et al. does not teach nor suggest a collection of security information from a user contemporaneously with the initiation of a function to determine whether the function may be executed within any type of system within a process control system. The Examiner respectfully disagrees and asserts that He et al. teaches a process control system as shown in Figures 1-3 and 9. He et al. discloses a process control system comprising a computer having a memory and a processing unit in Column 31, lines 56-67 and Column 32, lines 1-26. He et al. discloses a security module stored in the memory of the computer and adapted to be executed on the processing unit of the computer (See Column 11, lines 34-67). The authentication server authenticates the users to network elements, wherein the security module analyzes security information collected (user's element, i.e. log-in ID) from a user contemporaneously with the initiation of the function (user's secret information, i.e. password) (See Column 12, lines 1-55) and in association therewith determines whether the function should be executed (See Column 9, lines 47-61)

6. Therefore, the rejection of claims 1-18,20-29, and 32 are maintained in view of the reasons above and in view of the reasons below.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18, 20-29, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by He et al. (US Patent No. 6,088,451).

Regarding claim 1, He et al. teaches a process control system capable of executing a function after initiation thereof, the process control system comprising:

a computer having a memory and a processing unit (See Column 31, lines 56-67 and Column 32, lines 1-26)

and a security module stored in the memory of the computer and adapted to be executed on the processing unit of the computer, wherein the security module analyzes security information collected from a user contemporaneously with the initiation of the function and in association therewith to determine whether the function should be executed (See Column 11, lines 34-67, Column 12, lines 1-55, and Column 9, lines 47-61)

Regarding claim 2, He et al. teaches a security system wherein the process control system comprises a network and the function is initiated via a device external to the network (See Column 11, lines 34-46)

Regarding claim 3, He et al. teaches a security system wherein the device includes a client that generates a user interface to collect the security information (See Column 4, lines 7-12)

Regarding claim 4, He et al. teaches a security system wherein the client passes the security information in encrypted form to the security module (See Column 2, lines 56-65)

Regarding claim 5, He et al. teaches a process control application stored in the memory of the computer and adapted to be executed on the processing unit of the computer, wherein the process control application generates a security configuration interface for establishing a security parameter for the function executed by the process control system (See Column 9, lines 47-61)

Regarding claim 6, He et al. teaches the security parameter comprises data representative of a lock associated with the function executed by the process control system (See Column 18, lines 26-32)

Regarding claim 7, He et al. teaches the security parameter comprises data representative of whether execution of the function requires the security information to include a user identification and password (See Column 2, lines 21-30, Column 9, lines 47-61)

Regarding claim 8, He et al. teaches the security parameter comprises data

representative of whether execution of the function requires the security information to include verification information (See Column 9, lines 47-61, Column 10, lines 19-47)

Regarding claim 9, He et al. teaches a security system wherein the process control system comprises a network and the computer resides at a node of the network (See Figure 2)

Regarding claim 10, He et al. teaches a process control application stored in the memory of the computer and adapted to be executed on the processing unit of the computer, wherein the process control application generates a user interface to collect the security information from the user (See Column 4, lines 7-12)

Regarding claims 11-15 are substantially equivalent to system claims 1-4 and 7 respectively, therefore claims 11-15 are rejected for the same reasons.

Regarding claim 16, He et al. teaches the step of generating a user interface for associating the function with a lock for which a user may be assigned a key (See Column 18, lines 26-32)

Regarding claim 17 is substantially equivalent to system claim 8 respectively, therefore claim 17 is rejected for the same reason.

Regarding claim 18, He et al. teaches a method of securing a process control system capable of execution of a function, the method comprising the steps of:

establishing a communication link between the process control system and a device external thereto to provide for remote initiation of the execution of the function (See Figure 2),

generating a user interface via the communication link for collection of security

information from a user contemporaneously with the remote initiation of the execution of the function (See Column 4, lines 7-12 and Column 9, lines 47-61)

determining whether the remote initiation of the execution of the function is authorized based on the collected security information (See Column 9, lines 47-61)

Regarding claim 20 is substantially equivalent to system claim 1 respectively, therefore claim 20 is rejected for the same reason.

Regarding claim 21, He et al. teaches a software system wherein the first routine is executed in a client-server configuration such that the collected security information is transmitted from a client to a server (See Column 9, lines 47-61)

Regarding claim 22 is substantially equivalent to system claim 3 respectively, therefore claim 22 is rejected for the same reason.

Regarding claim 23, He et al. teaches a software system wherein the client is external to the process control system (See Figure 2)

Regarding claim 24 is substantially equivalent to system claim 4 respectively, therefore claim 24 is rejected for the same reason.

Regarding claim 25, He et al. teaches a configuration routine that establishes a security parameter for the function (See Column 9, lines 47-61)

Regarding claims 26-28 are substantially equivalent to system claims 6-8 respectively, therefore claims 26-28 are rejected for the same reasons.

Regarding claim 29 is substantially equivalent to method claim 18 respectively, therefore claim 29 is rejected for the same reason.

Regarding claim 32 is substantially equivalent to system claim 4 respectively, therefore claim 32 is rejected for the same reason.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cd*

cd  
August 10, 2005

*E. L. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER